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SUBJECT: PUBLIC DEBATE ON RENDITION AND SHANNON CONTINUES

**¶1.** (SBU) Summary: A May 9 seminar on rendition and torture hosted by Amnesty International Irish Section and the Irish Centre for Human Rights focused on the USG's use of Shannon Airport and the CIA's alleged practice of leasing civilian planes to circumvent authorities. Debate at the seminar highlighted lack of legal clarity on these issues, especially in attempts to define "rendition" and "torture" within contexts that differ from state to state. Seminar participants concluded generally, however, that USG diplomatic assurances did not relieve the GOI of responsibility to investigate possible infringements of human rights and international law involved in suspected "extraordinary rendition" flights. During the seminar, Manfred Nowak, UN Special Rapporteur on Torture, said anti-war campaigner Edward Horgan failed to substantiate claims about alleged transits by CIA rendition flights at Shannon Airport. We forward highlights of the seminar in case they might be useful. End Summary.

SHANNON AND ALLEGED CIA FLIGHTS

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**¶2.** (SBU) On May 9, Amnesty International Irish Section and the Irish Centre for Human Rights (National University of Ireland, Galway) held a "Seminar on the Duties of Governments Regarding 'Extraordinary Renditions'" at the National College of Ireland in Dublin. Of the seven panelists, the most noteworthy were Professor Manfred Nowak, UN Special Rapporteur on Torture, Mona Rishmawi, legal advisor to the UN High Commissioner for Human Rights, and Michael O'Flaherty, a staff member of the UN Human Rights Council. While most of the panelists sought to discuss "extraordinary renditions" and its association with torture in a general manner, discussions veered toward recent allegations pertaining to the United States' use of Shannon Airport. The panelists commented on the CIA's alleged practice of hiding its identity behind private plane operators to exploit different disclosure rules under the Chicago Convention for state and civil aircraft. The panelists offered their view that states allowing alleged CIA transit flights do not have the authority to investigate the flights, because of a convention clause that allows private, non-commercial flights to fly over a country, or make technical stops, without prior authorization or notification. These allegations have been featured in Amnesty International's Report published in April 2006, "Below the Radar: Secret Flights to Torture and Disappearance," with a follow-up report due to be released in the next few months.

VARYING VIEWS ON RENDITION

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**¶3.** (SBU) The following are highlights of the presentations and discussions.

A) Manfred Nowak, UN Special Rapporteur on Torture, mentioned that a key issue pertaining to illegal forms of rendition is

the possibility of violating an individual's basic human rights on multiple levels ) before, during and after the act. He expressed concern that the practice can lead to more serious forms of mistreatment, including relocation to detainment sites in third-party countries for interrogation and torture. Nowak remarked that although there has been some initial reporting on this issue by the Council of Europe and the EU, government bodies are not doing enough. Nowak also stated that many EU Member States have taken a "see no evil, hear no evil" approach to the problem, and need to investigate allegations of terrorist renditions and the use of secret detention centers for interrogation and torture.

B) Mona Rishmawi, legal advisor to the UN High Commissioner for Human Rights, noted that international law does not prohibit the transfer of detainees, but rather regulates its legality. Rishmawi added that there is difficulty in determining its legality without any documentation about the actual process. She believed it was the responsibility of the state governments performing these flights to reveal these practices in order to determine their conformity with international human rights law.

C) Michael O'Flaherty, a staff member of the UN Human Rights Council, claimed that Ireland was possibly complicit in allegations against the USG through indirect assistance. He also stated that the GOI has the obligation to investigate activity at Shannon Airport regardless of economic repercussions. O'Flaherty questioned the credibility of USG diplomatic assurances to the GOI on this issue and recommended requesting full airplane itineraries and rosters from suspected aircraft as a possible measure of investigation.

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D) Colm O'Cuanacahin, Secretary General for Amnesty International Irish Section, cited his organization's recent research (from a nationwide sampling of 1,000 people from March 7 to the 21, 2006), which found that 76 percent of Irish people think that planes linked to rendition should be checked.

E) Amnesty International Irish Section members mentioned that their inquiries to the DFA requesting copies of correspondence between the GOI and USG regarding diplomatic assurances were denied and said to be unavailable. According to the members, DFA officials replied that they were aware of the public's concern, but added that USG diplomatic assurances were satisfactory. Amnesty International Irish Section believes that the GOI should routinely check planes suspected of involvement in renditions, as diplomatic assurances are not enough to quell public concern.

NOWAK VS. HORGAN

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¶4. (SBU) During a question and answer session, well known anti-war campaigner and former Irish Army commandant, Edward Horgan, made allegations regarding the situation at Shannon airport, including a claim that a technician had seen a man in an orange jumpsuit shackled inside a plane. Another attendee stated that the Gardai (national police) have been instructed not to board or search any CIA planes under any circumstances. Manfred Nowak, UN Special Rapporteur on Torture, responded that these were simply allegations and that no substantial evidence regarding the situation at Shannon Airport had been brought forth to date.

¶5. (SBU) Nowak later told the press that the proper way to address these issues is through the forum of international law and by working with NGOs to pressure state governments to exercise their responsibility to protect basic human rights. He also noted that he was surprised President Bush had said he would like to close Guantanamo Bay. Nowak described the United States as a democratic state with a long tradition of

championing human rights, and he believed that USG policies on Guantanamo Bay and rendition were likely to change.

## COMMENT

¶6. (SBU) We forward this for some flavor of continuing Irish debate on rendition and alleged USG/CIA activity involving Shannon Airport. Interestingly, the panelists were fairly neutral in their remarks, in contrast with the passions that normally characterize Irish public discourse on the issue. The Irish press did not cover Nowak's sharp criticism of Horgan, which was a highlight of the seminar. This lack of coverage is consistent with past press reports on Horgan-like allegations, which are usually carried without caveats, analysis, or attempts at substantiation.

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